

 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 10.20	Effective Date 2/13/2013	Page 1 of 7
	Supersedes Correctional Enterprises of Connecticut, dated 9/15/2008		
Approved By <i>Leo C. Arnone</i> Commissioner Leo C. Arnone	Title Correctional Enterprises of Connecticut		

1. Policy. The Department of Correction, through its Correctional Enterprises Unit Program, shall provide qualified inmates structured, simulated employment and work training program opportunities to aid in community reintegration upon their release.

2. Authority and Reference.
 - A. Code of Federal Regulations, 29 CFR Part 1630, 1990 Americans with Disabilities Act.
 - B. Connecticut General Statutes, Sections 10-17f, 10-69, 18-81, 18-85, 18-88 and 18-90a and 18-90b.
 - C. Federal Bureau of Justice Assistance Prison Industry Enhancement Certification Program.
 - D. Administrative Directives 4.6, Use of Computers and Related Technologies; 6.6, Reporting of Incidents; 7.1, Key and Tool Control; 9.5, Code of Penal Discipline; 10.1, Inmate Assignment and Pay Plan; and 10.7, Inmate Communications.
 - E. American Correctional Association, Standards for Administration of Correctional Agencies, Second Edition, April 1993, Standard 2-CO-5A-01.
 - F. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standards 4-4182, 4-4212, 4-4215, 4-4337, 4-4448 through 4-4452, 4-4455, 4-4458, 4-4461 and 4-4463.
 - G. American Correctional Association, Performance-Based Standards for Adult Detention Facilities, Fourth Edition, June 2004, Standards 4-ALDF-2A-09, 4-ALDF-4B-03 and 4-ALDF-5C-06 through 4-ALDF-5C-16.

3. Definitions. For the purposes stated herein, the following definitions apply:
 - A. Business Plan. The plan for the overall operation of correctional industries.
 - B. Correctional Enterprises Manager. An employee responsible for managing CEC operations at a specific site(s).
 - C. Correctional Enterprises of Connecticut (CEC). A correctional program which incorporates State Use Industries and Private Sector Prison Industries.
 - D. Director of Correctional Enterprises. The individual responsible for the overall administration and supervision of correctional industries and the private sector prison industries program.
 - E. Personal Identifying Information. Information used in conjunction with other information to identify a specific individual including, but not limited to, date of birth, mother's maiden name, driver's license number, social security number, employee identification number, alien registration number, passport number, credit/debit card numbers, and/or checking/savings account numbers.

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- F. Private Sector Industries Director. An employee responsible for the overall planning and administration of the Private Sector Prison Industries Program.
- G. Private Sector Prison Industries. A correctional program which uses inmate labor to provide products and/or services to the private sector through a contract with a private employer.
- H. Program Participant. An inmate assigned to a CEC program.
- I. Shop Supervisor. An employee who manages a shop within an industries operation.
- J. State Use Industries. A correctional program using inmate labor that provides goods and services which are marketed to state and federal agencies, municipalities and non-profit organizations.

4. Organization and Development of the CEC Program.

- A. Assignment Requirement. Assignment to CEC programs shall be in accordance with Administrative Directive 10.1, Inmate Assignment and Pay Plan.
- B. Annual Business Plan. Prior to September 1 for the current fiscal year, the Director of Correctional Enterprises shall develop a business plan for correctional industries.
- C. Selection of Assigned Inmate Participants. Consistent with the approved Business Plan, the CEC Manager shall inform the appropriate facility classification staff of current or anticipated inmate participation requirements and vacancies. Assignment of an inmate to any assignment shall require prior approval by the facility's classification committee. Inmates may be required to submit an industries program application directly to the CEC Manager. Facility classification staff shall provide an opportunity for input from the CEC Manager prior to assignment to an industries area. An inmate may be required to complete a pre-assignment health screening. Inmates that qualify, may then be interviewed by the respective CEC Supervisor. Once approved, the CEC program application will be sent to classification for an assignment.

At no time shall an inmate program participant be considered an employee of the State of Connecticut.

- D. Training. Once selected, an inmate may be required to complete a training program developed by the Director and/or Managers of Correctional Enterprises in conjunction with the Unit Administrator. Upon completion, the inmate shall sign to acknowledge receiving such training. The inmate shall continue to receive training and shall be supervised in a manner to promote successful performance.

An inmate who possesses specific skills gained either prior to incarceration or while incarcerated shall be considered for priority placement.

5. General Assignment and Pay.

- A. Work Rules and Conditions. Each inmate shall report to the place of assignment at the required start time and shall not leave an assignment without permission. Each inmate, regardless of assignment, shall complete all assigned tasks diligently and

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conscientiously. Refusal to perform daily and directed tasks, avoidance of assigned tasks, failure to complete assigned tasks or meet performance standards, or encouraging others to refuse to participate may result in a poor evaluation or disciplinary action which may include dismissal from the assignment. No inmate shall be assigned to any position, which allows:

1. Access to any institutional or personal data regarding staff;
2. Access to inmate addresses, telephone numbers, property, financial resources, visitors, social security numbers or any other personal information regarding another inmate;
3. Access to sensitive facility management information; and
4. Supervision, control or authority of any kind over another inmate.

- B. Inmate Access. No inmate shall be permitted access to any personal identifying information as defined in Section 3(E) of this Directive. Access to data regarding inmate housing, assignments, schedules, time and/or attendance records, pay and evaluations may be authorized as part of assigned duties of an inmate clerk assigned by the Industries Manager. All assignments completed by the inmate clerk shall be reviewed for accuracy by the CEC Supervisor.

No inmate shall be allowed access to a state telephone for personal or state use except as provided in Administrative Directive 10.7, Inmate Communications, and no inmate shall be left unsupervised in an area with an operable non-collect call-only telephone. Any state telephone in an area accessible to inmates shall be locked with a telephone lock or properly secured when staff is not present.

In accordance with Administrative Directive 4.6, Use of Computers and Related Technologies, no inmate shall be allowed to use a computer for any purpose except as specifically required by an educational or industries assignment. All inmate access to computers shall be closely monitored and no inmate shall be allowed personal use of a computer for any reason.

- C. Safety and Health Procedures. Each correctional employee and inmate shall observe all applicable federal and state safety and health regulations. The Director of Correctional Enterprises or designee in consultation with the Unit Administrator shall ensure that appropriate safety and protective equipment is provided for each assigned station and that each inmate is trained in the safe and proper use and operation of any equipment. This shall also apply to the use and handling of any tool, chemical, hazardous material, or waste which the inmate is expected to operate. An inmate shall immediately report any injury to a supervisor. Medical attention shall be provided as necessary and shall be reported in accordance with Administrative Directive 6.6, Reporting of Incidents. Each Unit Administrator shall ensure that weekly health and safety inspections are conducted of all industry and vocational areas by qualified personnel. A comprehensive and thorough monthly inspection shall be conducted

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- by a safety specialist and annual inspections by federal, state, and/or local health and safety officials or qualified person(s).
- D. Assignment Day. The time set aside for work assignment by the facility, shall normally be no less than six (6) hours. The normal assignment may be extended by authorization of the Unit Administrator or Director of Correctional Enterprises. All industry assignments shall be made through the classification process.
- E. No Participation, No Pay. An inmate shall only be paid in accordance with Attachment A, Correctional Enterprises of Connecticut Inmate Pay Schedule for actual participation in a classified assignment.
- F. Inmate Performance Evaluation. An inmate shall receive a written performance evaluation utilizing CN 100101, Inmate Performance Evaluation Form after 30 days in a new or promotional assignment and at least semi-annually thereafter and at such other times as deemed appropriate. A copy of this evaluation shall be placed in the inmate's institutional file. An overall poor evaluation shall result in a counseling session with the inmate and may result in a referral to classification for possible dismissal or reassignment. The inmate shall receive a copy of each written evaluation.
- G. Removal or Dismissal. Dismissal for failure to perform, or for a chargeable infraction, may be accompanied by a disciplinary charge under the Administrative Directive 9.5, Code of Penal Discipline. A finding of guilty shall not be required for removal or dismissal to occur. Removal for other purposes shall not require disciplinary action. A charge shall not be required when it is determined the inmate is incapable of performing to acceptable standards except that an inmate performance evaluation shall be completed and the inmate may be considered for an alternative assignment.
- H. Pay Period. A CEC program participant shall be paid on a monthly basis in accordance with Section 6 of this Directive.
6. Correctional Enterprises Management. The Unit Administrator shall manage industries' security, key and tool control, Occupational Safety and Health Administration (OSHA), Hazardous Materials (HAZMAT) requirements, and personnel issues. The Director of Correctional Enterprises or designee shall manage industries regarding marketing, production, inventory control, inmate accountability and productivity, personnel issues and the Annual Business Plan.
- A. Operational Management. Each CEC Manager shall be responsible for industries operations and supervision of Shop Supervisors and inmate pay schedule in accordance with Attachment A, Correctional Enterprises of Connecticut Inmate Pay Schedule.
- B. CEC Pay Schedule and Pay Scale for Osborn, Cheshire, MacDougall-Walker and York Correctional Institutions. The CEC pay scale at the above-referenced facilities, shall consist of a probationary period plus nine (9) additional pay grades. An inmate shall be paid at the probationary pay grade for up to 90 days. An inmate, who successfully completes the probationary period, shall normally be assigned to pay grade II, however prior experience and skill may warrant an inmate to be placed at a more appropriate pay level. An inmate shall not be eligible for advancement to the next pay grade for a minimum of 60 days, and

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only when the inmate is recommended for a pay grade promotion by the Shop Supervisor and approved by the CEC Manager and Director. In addition to the probationary and additional nine (9) pay grades noted above, an inmate with considerable experience who is assigned to assist the Shop Supervisor in teaching other inmates how to perform industry tasks may be considered for Grade X. Inmates shall be paid at the established rates in accordance with Attachment A, Correctional Enterprises of Connecticut Inmate Pay Schedule. Prior experience and skill may warrant an inmate to be placed at pay level "x" prior to the completion of three years but not less than one year.

7. Private Sector Prison Industries Requirements and Conditions.

A. Notification to Organized Labor and Business Organizations. Prior to the implementation of a program requiring federal Private Sector Prison Industries Enhancement Certification (PSPIEC), the Department shall inform the Connecticut Department of Labor, Connecticut Business and Industries Association, and organized labor of its plans. Such notification shall include a description of the proposed program including:

1. Its location;
2. The number of inmates expected to participate;
3. The type of task to be performed;
4. The products to be produced or services to be provided; and,
5. The proposed inmate wage plan.

B. Request for Response. The Department shall request the following responses to its plan for a PSPIE program:

1. Department of Labor. The Connecticut Department of Labor shall be asked to provide written guidance that the inmate wage plan is comparable to wages paid for work of a similar nature in the locality. Paid inmate employment shall not result in the displacement of employed workers or impair existing contracts for services.
2. Business and Industries. The Connecticut Business and Industries Association (CBIA) shall be asked for its comments, concerns and recommendations regarding the proposed project and for referral to any local business or appropriate trade organization potentially affected by the proposed project. The Department shall inform these businesses or organizations of the proposed PSPIEC project and request their comments, concerns and recommendations.
3. Organized Labor. Organized labor shall be asked for its comments, concerns, recommendations and referrals to any appropriate local labor organization regarding the proposed PSPIE project.

C. Annual Updates. The Connecticut Department of Labor and all business and labor organizations that are notified of specific PSPIE plans shall be updated at least annually of the status of those projects and asked for any additional comments, concerns and recommendations.

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- D. Project Review. The following procedure shall be adhered to when a business venture is proposed.
1. The Private Sector Prison Industries Administrator shall submit recommendations to the Director of Correctional Enterprises. The recommendation shall include pertinent information, including, but not limited to:
 - a. The project model (employer, customer, manpower);
 - b. The number of inmates to be employed;
 - c. A market analysis;
 - d. A summary of start-up costs;
 - e. A summary of the applicability of the project given the available labor pool and security level of the facility;
 - f. Required technology; and,
 - g. A statement of benefits to Correctional Enterprises of Connecticut and to inmates.
 2. The Director of Correctional Enterprises shall, in consultation with the appropriate Unit Administrator, evaluate the plan.
 3. The Deputy Commissioner of Administration shall evaluate recommendations from the Director of Correctional Enterprises, and make a final recommendation to the Commissioner, who shall make the final decision.
- E. Private Sector Employers. Any private sector employer of inmates in PSPIE programs shall be required to show proof of coverage by workers' compensation insurance for all inmate employees. Such proof of insurance shall be kept on file in the Fiscal Services Unit. Private sector employers shall be required to meet all local, state and federal health and safety standards. Hours of operation, charges for preparing space for private sector occupancy, and any costs for rent, utilities or management fees to be paid to the Department, shall be individually negotiated between the private sector employer and the Department. A contract outlining these and other conditions signed by the employer, the Department and the Office of the Attorney General shall exist for every PSPIE program prior to its implementation.
- F. Private Sector Prison Industries Pay and Deductions.
1. Pay. Inmate pay for Private Sector Prison Industries shall be in accordance with the contract between the Department and the private sector employer and in accordance with any requirements for PSPIEC.
 2. Deductions from Gross Wages. The Department shall provide advanced written notification to an inmate participating in a project requiring PSPIEC deductions to be made from gross wages. Deductions for the cost of incarceration, income taxes (including Social Security), victim's compensation, and family support shall be the only authorized deductions

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from gross wages. Deductions for victim's compensation shall be mandatory and shall be at least 5% but no more than 20% of the inmate's gross wages. As part of the program, total allowable deductions may not exceed 80% of the inmate's gross pay.

To administer the Family Support deduction, the Department shall obtain a signed release of information form from the inmate, which shall be a condition of employment. The Department shall then determine through the State Department of Human Resources, if the inmate has an outstanding balance with the Aid to Families with Dependent Children Program, or if there has been a request to the courts for assistance in collection of child support. If either of the above apply, the Family Support deduction is made.

3. Restitution Deductions. Deductions from net inmate wages may be made for restitution or payment of compensation to a crime victim ordered by any court having jurisdiction and for payment of a civil judgment rendered in favor of a crime victim by any court having jurisdiction.
 4. Department Expenses. The cost to the Department for expenses incurred for inmate's travel to and from work and other incidental expenses shall be recovered from board deductions.
 5. Inmate Voluntary Participation and Agreement with Wage Deductions. Prior to participating in programs requiring PSPIEC, an inmate shall affirm in writing that participation in the program is voluntary and that the inmate agrees to the specified deductions.
8. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for the intended function:
- A. Attachment A, Correctional Enterprises of Connecticut Inmate Pay Schedule.
9. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.